

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ROBERT R. MOODY,	§	
	§	No. 337, 2010
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	for New Castle County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 0503005391
Appellee.	§	

Submitted: November 30, 2010

Decided: February 11, 2011

ORDER

This 11th day of February 2011, upon consideration of the notice to show cause why this appeal should not be dismissed and the case history of the appeal, it appears to the Court that:

(1) By notice issued on November 17, 2010, the Chief Deputy Clerk directed the *pro se* appellant to show cause why the appeal should not be dismissed for the appellant's failure to file the opening brief.¹ The notice to show cause was sent by certified mail to the appellant's attention at the address provided by the appellant in the notice of appeal.

¹ Del. Supr. Ct. R. 29(b).

(2) The notice to show cause was returned to the Office of the Clerk with the notation “return to sender.” Prior mailings to the appellant were similarly returned.²

(3) The Court notes that the appellant has not notified the Clerk of a change of address.³ The Court further notes that an attempt by the Office of the Clerk to locate the appellant was unsuccessful.⁴ Under these circumstances, dismissal of the appellant’s appeal is deemed to be unopposed.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rules 3(b) and 29(b), that the appeal is DISMISSED.

BY THE COURT:

/s/ Randy J. Holland
Justice

² The October 1, 2010 brief schedule and November 12, 2010 brief delinquency letter also were returned marked “return to sender” and/or “unable to forward.”

³ See Del. Supr. Ct. R. 12(c) (providing that “[a]s a condition for a party appearing pro se, the party must designate a mailing address . . . for the receipt of all notices, papers and orders filed in the case”).

⁴ The docket reflects that the Chief Deputy Clerk contacted the appellant’s probation officer in an attempt to locate the appellant but was advised that the appellant’s address was unknown.